

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Case No. 90-cr-101-pp

Plaintiff,

v.

EUDELL L. HARRIS,

Defendant.

ORDER DENYING REQUEST FOR EXPUNGEMENT (DKT. NOS. 115, 116)

The defendant has written a letter to Judge Charles N. Clevert, Jr., asking Judge Clevert to expunge his conviction. Dkt. Nos. 115, 116. Judge Clevert has retired from the bench; the case has been assigned to Judge Pepper.

The defendant was charged, and sentenced, so long ago that the court does not have the defendant's records any longer. The court does not know what crime the defendant was convicted of committing, or what sentence Judge Clevert gave him.

Unfortunately, federal law does not allow for expungement of federal convictions, except in one very limited circumstance. If a person is convicted of simple possession of a controlled substance in violation of 21 U.S.C. §844 and doesn't have any prior drug offenses, the court is allowed to put that person on probation without convicting him. 18 U.S.C. §3607(a). If the person successfully completes that probation, the court may dismiss the case and

discharge the person from probation. If that happens, and the person was under twenty-one at the time he possessed the drugs, the court may expunge the person's record on that person's request. 18 U.S.C. §3607(c). That is the only circumstance that this court knows of in which a federal court may expunge a federal criminal record.

Under any other circumstances, the way for a person to have his record cleared and his rights restored is to request a pardon from the President. The defendant may find information about the pardon process at <https://www.justice.gov/pardon/pardon-information-and-instructions>.

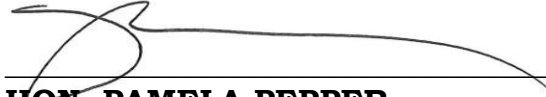
This court does not have the authority to expunge the defendant's records, or to grant him a pardon. But it does note that the defendant appears to have accomplished a radical change in his life in the twenty-six years since his conviction. He has not simply left the criminal life behind; he has become an outstanding citizen and member of the community. The court is aware that there are many people who learn nothing from the mistakes of their past; the defendant appears not only to have learned, but to have put that knowledge to productive, inspiring use. The court commends Mr. Harris on all he has done

to change his life for the better.

The court **DENIES** the defendant's request for expungement of his record. Dkt. Nos. 115, 116.

Dated in Milwaukee, Wisconsin this 18th day of December, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge